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EXAMINER	
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/719,155	KERR ET AL.	
	Examiner	Art Unit	
	JOSEPH BURGESS	4114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/09/2004, 06/10/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in reply to application 10/719155 filed on 11/21/2003.

2. Claims 1-46 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 13 and 24-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 13 recites the limitation "the element profiles" in the first line. There is insufficient antecedent basis for this limitation in the claim. Additionally, because of the lack of antecedent basis and some grammatical errors, the wording of this claim is vague and indefinite. For the purposes of examination, Examiner will construe this claim to have a similar meaning to claim 12 in that both claims combine viewing privileges with access privileges.

6. Claims 24-46 recite a “control system”. It is unclear to the Examiner if the claimed elements of the control system, such as the detector, processor, and authentication system, are computer hardware or software because the operations performed by these elements can be performed by either hardware or software. Another reason it is unclear if these elements are software in particular is because software needs to be embodied in a computer in order to be functional and no such relationship is claimed. Applicant needs to be clearer regarding these elements and their functionality.

7. Claim 29 recites “the processor causes the display to a request for an authentication signal for each detected authentication signal". It is unclear to the Examiner what the applicant is trying claim because displays are not known to request things but simply to display things. It is believed by the Examiner that this claim has some grammatical errors. Therefore, the wording is vague and indefinite. Applicant needs to be more lucid regarding this claim.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

10. Claims 1-23 are directed to a method. This rejection is based on recent Federal Circuit decisions and Supreme Court precedent in particular, *Diamond v. Diehr*, 450 U.S. 175, 184 (184); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876) which state that the method must:

(1) be tied to another machine (such as a particular apparatus); or

(2) transform underlying subject matter (such as an article or materials) to a different state or thing.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

13. Claims 1, 2, 6-8, 12-18, 20, 22-26, 34-40 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atick, et al. (US 6,111,517 A) in view of Ho (US 6,148,342 A).

14. **Claim 1:**

Atick, as shown, discloses the following limitations:

- *detecting personal identifiers for people located in a presentation space within which patient content presented by the display can be observed* (see at least column 3, line 60 - column 4, line 9, i.e. system ascertains whether user sitting in front of terminal is authorized to access)*;*

Atick does not disclose the following limitation, but Ho as shown does:

- *determining a profile for each detected personal identifier* (see at least column 2, line 57 – column 3, line 13, i.e. first data packet includes information to identify doctor)*;*

- *obtaining patient content for presentation on the display based upon the profiles for each detected personal identifier* (see at least column 3, line 64 – column 4, line 20, i.e. doctor is identified and associated with an access level to permit review of patient records)*;*

- *presenting content that is based upon the obtained patient content* (see at least column 6, line 54 – column 7, line 5, i.e. medical records are disclosed to authorized user through source terminal).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

15. Claim 2:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *presenting content comprises automatically presenting content based upon the obtained patient content upon detecting the personal identifiers* (see at least column 6, line 54 – column 7, line 5, i.e. medical records are disclosed to authorized user through source terminal). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of

confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

16. Claim 6:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *requesting, for each detected personal identifier, an authentication before presentation of the patient content* (see at least column 6, line 54 – column 7, line 5, i.e. database determines if access to patient information file is allowed and then displays it to authorized user). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

17. Claim 7:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *receiving an authentication signal and confirming that the authentication signal corresponds to an authentication signal associated with the personal identification* (see at least column 2, lines 34-56, i.e. terminal collects information from user and identifies user according to personal information). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

18. Claim 8:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *the authentication signal contains, at least in part, one of biometric information, voice information, a password input, and a personal identification input obtained from a person associated with the personal identifier* (see at least column 2, lines 34-56, i.e. identifying information are passwords, handprints, fingerprints, etc). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

19. Claim 12:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *each personal identifier is associated with viewing privileges and the patient content is associated with access privileges* (see at least column 3, lines 26-30, i.e. each individual has certain authorization level which allows the individual to access only application programs and data appropriate to that authorization level) *wherein the step of selecting content for presentation comprises combining the viewing privileges in an additive manner and selecting content for presentation based upon the combined viewing privileges and the access privileges* (see at least column 8, lines 8-22, i.e. when both an authorized user and an unauthorized user are in the view of the video camera, the viewing privileges will be combined in an additive manner such that the combined privilege includes the viewing privilege of the authorized user and the thus, the screen still displays the content but prints a warning message).

20. Claim 13:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *the element profiles contain viewing privileges, and the patient content is associated with profile contains access privileges* (see at least column 3, lines 26-30, i.e. each individual has certain authorization level which allows the individual to access only application programs and data appropriate to that authorization level) *wherein the step of selecting content for presentation based upon the profiles comprises combining viewing privileges in a subtractive manner and selecting content for presentation based upon the combined viewing privileges and the access privileges* (see at least column 8, lines 8-22, i.e. when both an authorized user and an unauthorized user are in the view of the video camera, the viewing privileges will be combined in a subtractive manner such that the combined privilege includes the viewing privilege of the unauthorized user and thus, the screen is disabled).

21. Claim 14:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *comparing the profiles for the detected personal identifiers to a profile for the patient content and the step of using the selecting content for presentation where the profiles for the detected personal identifiers correspond to the content profile* (see at least column 2, lines 26-30, i.e. comparing assigned authorization level of the detected individual to the access level of data and application program and displaying only application programs and data appropriate for the individual's level).

22. Claim 15:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *the patient content has a profile and the patient content profile contains access privileges and wherein the step of selecting content for presentation comprises the steps of determining viewing privileges based upon the profiles for*

each detected personal identifier and selecting the content for presentation only when the access privileges correspond to the viewing privileges (see at least column 2, lines 26-30, i.e. comparing assigned authorization level of the detected individual to the access level of data and application program and displaying only application programs and data appropriate for the individual's level).

23. Claim 16:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *the patient content has a content profile that contains viewing privileges associated with particular portions of the patient content* (see at least column 2, lines 26-30 and column 6, lines 20-26, i.e. content to be displayed on the screen of the terminal comprises different data and applications or portions) *and wherein the step of selecting patient content for presentation comprises determining viewing privileges based upon the profile and selecting for presentation only those portions of the patient content having access privileges that correspond to the viewing privileges* (see at least column 2, lines 26-30, i.e. comparing assigned authorization level of the detected individual to the access level of data and application program and displaying only the application programs and data appropriate for the individual's level).

24. Claim 17:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *classifying each personal identifier into a medical provider class and assigning viewing privileges to each personal identifier based upon the element classification* (see at least column 3, line 64 – column 4, line 20, i.e. doctor is classified as one that treats a certain patient and then doctor is associated with access level to permit viewing of that patient's records). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable

of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

25. Claim 18:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *identifying each personal identifier and obtaining viewing privileges for each personal identifier based upon the identification, and wherein the step of obtaining patient content comprises obtaining patient content based upon the viewing privileges for each detected personal identifier* (see at least column 2, lines 26-30, i.e. comparing assigned authorization level of the detected individual to the access level of data and application program and displaying only application programs and data appropriate for the individual's level).

26. Claim 20:

Atick, as shown, discloses the following limitations:

- *detecting personal identifiers for people in a presentation space in which content presented by the display can be observed* (see at least column 3, line 60 - column 4, line 9, i.e. system ascertains whether user sitting in front of terminal is authorized to access)*;*
- *identifying people in the presentation space using the personal identifiers* (see at least column 3, line 60 - column 4, line 9, i.e. users are identified in front of computer by facial images)*;*
- *determining audience member viewing privileges for the verified people* (see at least column 2, lines 26-30, i.e. authorization levels are assigned to each authorized individual)*;*
- *combining the viewing privileges for the verified people* (see at least column 8, lines 8-22, i.e. when both an authorized user and an unauthorized user are in the view of the video camera, the viewing privileges will be combined in an additive manner such that the combined

privilege includes the viewing privilege of the authorized user and the thus, the screen still displays the content but prints a warning message or the viewing privileges will be combined in a subtractive manner such that the combined privilege includes the viewing privilege of the unauthorized user and thus, the screen is disabled);

- *selecting patient content for presentation based upon the combined audience viewing privileges and access privileges associated with the patient content* (see at least column 8, lines 8-22, i.e. when both an authorized user and an unauthorized user are in the view of the video camera, the viewing privileges will be combined in an additive manner such that the combined privilege includes the viewing privilege of the authorized user and the thus, the screen still displays the content but prints a warning message or the viewing privileges will be combined in a subtractive manner such that the combined privilege includes the viewing privilege of the unauthorized user and thus, the screen is disabled);

Atick does not disclose the following limitation, but Ho as shown does:

- *requesting an authentication signal for each person* (see at least column 2, lines 34-56, i.e. source terminal requests information to identify user),

- *receiving the authentication signal from each identified person and verifying that the authentication signal for each identified person corresponds to an authentication signal template linked to the personal identifier for that person* (see at least column 2, lines 34-56, i.e. terminal collects information from user and identifies user according to personal information);

- *presenting at least a part of the selected patient content* (see at least column 6, line 54 – column 7, line 5, i.e. medical records are disclosed to authorized user through source terminal).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical

records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

27. Claim 22:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *selecting for presentation only patient content that is associated with access privileges that correspond to the combined viewing privileges* (see at least column 2, lines 26-30, i.e. each authorized individual is given access to only to data appropriate for their authorization level).

28. Claim 23:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *the authentication signal contains, at least in part, one of biometric information, voice information, a password input, a personal identification input obtained from a person associated with the personal identifier* (see at least column 2, lines 34-56, i.e. identifying information are passwords, handprints, fingerprints, etc). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

29. Claim 24:

Atick, as shown, discloses the following limitations:

- *a detector adapted to detect personal identifiers for people located in a presentation space within which patient content presented by the display can be observed* (see at least column 3,

line 60 - column 4, line 9, i.e. system ascertains whether user sitting in front of terminal is authorized to access)*;*

Atick does not disclose the following limitation, but Ho as shown does:

- *a processor adapted to determine a profile for each detected personal identifier in the presentation space based* (see at least column 2, line 57 – column 3, line 13, i.e. first data packet includes information to identify doctor) *and to obtain patient content using the personal profiles* (see at least column 3, line 64 – column 4, line 20, i.e. doctor is identified and associated with an access level to permit review of patient records)*;*

- *wherein the processor causes the display to present content that is based upon the obtained patient content* (see at least column 6, line 54 – column 7, line 5, i.e. medical records are disclosed to authorized user through source terminal).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

30. Claim 25:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *the processor causes the presented content to display the obtained patient content* (see at least column 6, line 54 – column 7, line 5, i.e. medical records are disclosed to authorized user through source terminal). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to

high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

31. Claim 26:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *the processor causes the presented content to be presented to automatically upon the detecting the personal identifiers*(see at least column 6, line 54 – column 7, line 5, i.e. medical records are disclosed to authorized user through source terminal). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

32. Claim 34:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *each personal identifier is associated with viewing privileges and the patient content is associated with access privileges, wherein the step of selecting content for presentation based upon the profiles comprises combining the viewing privileges in an additive manner and selecting content for presentation based upon the combined viewing privileges and the access privileges* (see at least column 8, lines 8-22, i.e. when both an authorized user and an unauthorized user are in the view of the video camera, the viewing privileges will be combined in an additive manner such that the combined privilege includes the viewing privilege of the authorized user and the thus, the screen still displays the content but prints a warning message).

33. Claim 35:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *each personal identifier is associated with viewing privileges and the patient content is associated with access privileges, wherein the step of selecting content for presentation comprises combining the viewing privileges and a subtractive manner and selecting content for presentation based upon the combined viewing privileges and the access privileges* (see at least column 8, lines 8-22, i.e. when both an authorized user and an unauthorized user are in the view of the video camera, the viewing privileges will be combined in a subtractive manner such that the combined privilege includes the viewing privilege of the unauthorized user and thus, the screen is disabled).

34. Claim 36:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *the processor compares the profiles for the detected personal identifiers to a profile for the patient content and uses the selected content for presentation wherein the profiles for the detected personal identifiers correspond to the content profile* (see at least column 2, lines 26-30, i.e. comparing assigned authorization level of the detected individual to the access level of data and application program and displaying only application programs and data appropriate for the individual's level).

35. Claim 37:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *the patient content has a profile and the patient content profile contains access privileges and wherein the step the processor selects content for presentation by determining viewing privileges based upon profiles for each detected personal identifier and selects content for presentation only when the access privileges correspond to viewing privileges associated with the detected personal identifiers* (see at least column 2, lines

26-30, i.e. comparing assigned authorization level of the detected individual to the access level of data and application program and displaying only application programs and data appropriate for the individual's level).

36. Claim 38:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *the patient content has a content profile that contains viewing privileges associated with particular portions of the patient content and wherein the processor selects only those portions of the patient content having access privileges that correspond to the viewing privileges of the detected personal identifiers* (see at least column 2, lines 26-30, i.e. comparing assigned authorization level of the detected individual to the access level of data and application program and displaying only the application programs and data appropriate for the individual's level).

37. Claim 39:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *the processor determines a profile for each personal identifier by classifying each personal identifier into a medical professional class and assigning viewing privileges to each personal identifier based upon the classification* (see at least column 3, line 64 – column 4, line 20, i.e. doctor is classified as one that treats a certain patient and then doctor is associated with access level to permit viewing of that patient's records). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

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38. Claim 40:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *processor determines a profile determining a profile for each of the personal identifiers by identifying each personal identifier in obtaining viewing privileges for each personal identifier from a database using the identification, and wherein the step of obtained patient content comprises obtaining patient content based upon the viewing privileges for each detected personal identifier* (see at least column 2, lines 26-30, i.e. comparing assigned authorization level of the detected individual to the access level of data and application program and displaying only application programs and data appropriate for the individual's level).

39. Claim 44:

Atick, as shown, discloses the following limitations:

- *a detector adapted to detect personal identifiers associated with the audience members in a presentation space in which content presented by the display can be observed* (see at least column 3, line 60 - column 4, line 9, i.e. system ascertains whether user sitting in front of terminal is authorized to access)*;*

- *an authentication system that generates an authentication signal in response to an audience member associated with a personal identifier* (see at least column 6, lines 13-25, i.e. an authentication signal of enabling the keyboard and screen is generated when access is granted to the authorized person)*;*

- *where each authentication signal is found to correspond with an authentication signal template that is linked to the personal identifier* (see at least column 3, line 61 – column 4, line 2, i.e. facial images are recognized and matched to face templates in memory to ascertain authorized access to computer system).

Atick does not disclose the following limitation, but Ho as shown does:

- *a processor adapted to determine a profile for each detected personal identifier in the presentation space* (see at least column 2, line 57 – column 3, line 13, i.e. first data packet includes information to identify doctor) *and to obtain patient content using the personal profiles* (see at least column 3, line 64 – column 4, line 20, i.e. doctor is identified and associated with an access level to permit review of patient records)*;*

- *wherein the processor causes the display to present content that is based upon the obtained patient content only where an authentication signal has been received for each personal identifier in the presentation space* (see at least column 6, line 54 – column 7, line 5, i.e. medical records are disclosed to authorized users through source terminal).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

40. Claim 45:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *at least one of a biometric scanning device, a voice input device, a password input, and a personal identification input* (see at least column 2, lines 34-56, i.e. identifying information are passwords, handprints, fingerprints, etc). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

41. Claim 46:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *where each authentication signal is found to correspond with an authentication signal template that is linked to the personal identifier*.

Additionally, Ho discloses the limitation of *the controller is adapted to control the operation of at least one other display* (see at least column 2, lines 21-56, i.e. secure system is a network of computers where typical users are doctors) *and allows the other display to present patient related content only where an authentication signal has been received for each personal identifier in the presentation space* (see at least column 6, line 54 – column 7, line 5, i.e. medical records are disclosed to authorized users through source terminal). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

42. Claims 3-5 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atick, et al. (US 6,111,517 A) in view of Ho (US 6,148,342 A) in further view of O'Rourke (US 7,165,062 B2).

43. Claim 3:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, O'Rourke discloses the limitation of *the presented content comprises a listing of obtained patient content associated with individual patients, and further comprising the steps of receiving an input indicating a selected patient and causing the display to present patient content*

for the selected patient (see at least column 4, line 31 - column 5, line 31 and figure 10, i.e. list of patients is shown to user and user selects patient from list which allows transfer of current patient details). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the system of accessing patient records of O'Rourke because greater time management and efficiency of medical personnel results when they can have access to and view multiple patient records in succession instead of having to wait to view different patient records at different times.

44. Claim 4:

The combination of Atick/Ho/O'Rourke discloses the limitations as shown in the rejections above. Furthermore, O'Rourke discloses the limitation of *the listing of obtained patient content associated with individual patients does not contain confidential information* (see at least column 4, lines 1-30 and figure 10, i.e. user may select patient info to be selected from a listing of patients that only includes patient name and patient ID). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the system of accessing patient records of O'Rourke because greater time management and efficiency of medical personnel results when they can have access to and view multiple patient records in succession instead of having to wait to view different patient records at different times.

45. Claim 5:

The combination of Atick/Ho/O'Rourke discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *requesting an authentication from each person associated with a detected personal identifier, and receiving the authentication before providing patient content for the selected patient* (see at least column 6, line 54 – column 7, line 5, i.e. database determines if access to patient information file is allowed and then displays it to authorized user). It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

46. Claim 27:

The combination of Atick/Ho/O'Rourke discloses the limitations as shown in the rejections above. Furthermore, O'Rourke discloses the limitation of *the presented content comprises a listing of obtained patient content associated with individual patients, and is further adapted to receive an input indicating a selected patient and to cause the display to present patient content for the selected patient* (see at least column 4, line 31 - column 5, line 31 and figure 10, i.e. list of patients is shown to user and user selects patient from list which allows transfer of current patient details). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the system of accessing patient records of O'Rourke because greater time management and efficiency of medical personnel results when they can have access to and view multiple patient records in succession instead of having to wait to view different patient records at different times.

47. Claim 28:

The combination of Atick/Ho/O'Rourke discloses the limitations as shown in the rejections above. Furthermore, O'Rourke discloses the limitation of *the listing of obtained patient content associated with individual patients does not contain confidential information* (see at least column 4, lines 1-30 and figure 10, i.e. user may select patient info to be selected from a listing of patients that only includes patient name and patient ID). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the system of accessing patient records of O'Rourke because greater time management and efficiency of medical personnel results when they can have access to and view

multiple patient records in succession instead of having to wait to view different patient records at different times.

48. Claim 29:

The combination of Atick/Ho/O'Rourke discloses the limitations as shown in the rejections above. Furthermore, Atick discloses the limitation of *an authentication system that generates an authentication signal in response to a person associated with a personal identifier* (see at least column 6, lines 13-25, i.e. an authentication signal of enabling the keyboard and screen is generated when access is granted to the authorized person),

Additionally, Ho discloses the limitation of *wherein the processor causes the display to a request for an authentication signal for each detected authentication signal, and wherein the processor does not cause the display to present confidential information before the authentication signal is received and the processor has verified that each authentication signal corresponds with an authentication signal associated with each personal identifier* (see at least column 6, line 54 – column 7, line 5, i.e. decoded medical record data is presented to the user once the system determines if access to the information is allowed). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

49. Claim 30:

The combination of Atick/Ho/O'Rourke discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *the authentication system comprises at least one of a biometric scanning device, a voice input device, a password input, and a personal identification*

input (see at least column 2, lines 34-56, i.e. identifying information are passwords, handprints, fingerprints, etc). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

50. Claims 9-11, 21, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atick, et al. (US 6,111,517 A) in view of Ho (US 6,148,342 A) in further view of Brooks (US 6,898,299 B1).

51. Claim 9:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Brooks discloses the limitation of *the step of detecting personal identifiers comprise providing a display space that cannot be entered unless a personal identifier is detected* (see at least column 49, lines 6-26, i.e. entry into a room is controlled by the system recognizing a biometric signature of an individual). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the controlled room access method of Brooks because the "...use of biometric signatures with electronic medical records can protect patient privacy and health, by authorizing efficient and confidential sharing of information between authorized parties…" (Brooks, column 45, lines 63-66).

52. Claim 10:

The combination of Atick/Ho/Brooks discloses the limitations as shown in the rejections above. Furthermore, Brooks discloses the limitation of *personal identifiers are detected by at least one of a magnetic stripe reader and an optical card reader* (see at least column 4, line 65 – column 5,

line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the controlled room access method of Brooks because the "...use of biometric signatures with electronic medical records can protect patient privacy and health, by authorizing efficient and confidential sharing of information between authorized parties…" (Brooks, column 45, lines 63-66).

53. Claim 11:

The combination of Atick/Ho/Brooks discloses the limitations as shown in the rejections above. Furthermore, Brooks discloses the limitation of *the personal identifiers comprise radio frequency transponders and wherein step of detecting personal identifiers in the presentation space comprises detecting radio frequency signals from transponders in the presentation space and identifying personal identifiers in the presentation space based upon the detected radio frequency signals* (see at least column 30, lines 38-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the controlled room access method of Brooks because the "...use of biometric signatures with electronic medical records can protect patient privacy and health, by authorizing efficient and confidential sharing of information between authorized parties…" (Brooks, column 45, lines 63-66).

54. Claim 21:

The combination of Atick/Ho/Brooks discloses the limitations as shown in the rejections above. Furthermore, Brooks discloses the limitation of *detecting radio frequency signals in the presentation space wherein the step of determining audience member viewing privileges for the detected people comprises determining viewing privileges based upon the detected radio frequency signals* (see at least column 30, lines 38-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the controlled room access method of Brooks because the "...use of biometric

signatures with electronic medical records can protect patient privacy and health, by authorizing efficient and confidential sharing of information between authorized parties…" (Brooks, column 45, lines 63-66).

55. Claim 31:

The combination of Atick/Ho/Brooks discloses the limitations as shown in the rejections above. Furthermore, Brooks discloses the limitation of *the step of detecting personal identifiers comprises providing a display space that cannot be entered unless a personal identifier is detected* (see at least column 49, lines 6-26, i.e. entry into a room is controlled by the system recognizing a biometric signature of an individual). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the controlled room access method of Brooks because the "...use of biometric signatures with electronic medical records can protect patient privacy and health, by authorizing efficient and confidential sharing of information between authorized parties…" (Brooks, column 45, lines 63-66).

56. Claim 32:

The combination of Atick/Ho/Brooks discloses the limitations as shown in the rejections above. Furthermore, Brooks discloses the limitation of *the detector comprises at least one of a magnetic surface reader, and an optical scanner* (see at least column 4, line 65 – column 5, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the controlled room access method of Brooks because the "...use of biometric signatures with electronic medical records can protect patient privacy and health, by authorizing efficient and confidential sharing of information between authorized parties…" (Brooks, column 45, lines 63-66).

57. Claim 33:

The combination of Atick/Ho/Brooks discloses the limitations as shown in the rejections above. Furthermore, Brooks discloses the limitation of *the personal identifiers comprise radio frequency transponders and wherein the detector comprises a radio frequency system adapted to receive radio frequency signals from the radio frequency transponders and to identify personal identifiers based upon the receive radio frequency signals* (see at least column 30, lines 38-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the controlled room access method of Brooks because the "...use of biometric signatures with electronic medical records can protect patient privacy and health, by authorizing efficient and confidential sharing of information between authorized parties…" (Brooks, column 45, lines 63-66).

58. Claims 19, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atick, et al. (US 6,111,517 A) in view of Ho (US 6,148,342 A) and Official Notice.

59. Claim 19:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. With regard to the limitation of *the profile for each personal identifier indicates viewing conditions under which patient content is to be viewed and further comprising the step of adjusting ambient conditions in the viewings space based upon the profile*, Atick recites that the system tracks when unauthorized persons are in the field of view (see at least column 8, lines 8-22) and also uses a screen saver program to detect authorized individuals in the field of view before disabling the keyboard and screen (see at least column 9, lines 4-9). Atick does not specifically disclose that the system can adjust ambient conditions, such as lighting conditions, to control the viewing of data, but the Examiner takes **Official Notice** that it is old and well known to adjust ambient conditions, such as lighting conditions, so that unauthorized individuals cannot see information on a display. It would have been obvious to one of ordinary skill in the art at the time of the invention

to combine the access control techniques of Atick/Ho with the ability to adjust ambient conditions in a presentation space because this would make the system to be even more secure and detract from unauthorized access to patient content which would allow the system to be more compliant with federal HIPAA standards.

60. Claim 41:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. With regard to the limitation of *the profile for each personal identifier indicates viewing conditions under which patient content is to be viewed and wherein the control system further comprises control device for controlling environmental conditions in the display space and the processor is further adapted to adjust ambient environmental conditions in the viewing space based upon the profile,* Atick recites that the system tracks when unauthorized persons are in the field of view (see at least column 8, lines 8-22) and also uses a screen saver program to detect authorized individuals in the field of view before disabling the keyboard and screen (see at least column 9, lines 4-9). Atick does not specifically disclose that the system can adjust ambient conditions, such as lighting conditions, to control the viewing of data, but the Examiner takes **Official Notice** that it is old and well known to adjust ambient conditions, such as lighting conditions, so that unauthorized individuals cannot see information on a display. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the ability to adjust ambient conditions in a presentation space because this would make the system to be even more secure and detract from unauthorized access to patient content which would allow the system to be more compliant with federal HIPAA standards.

61. Claim 42:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. With regard to the limitation of *the profile for each patient content indicates viewing conditions under which the patient content is to be viewed and wherein the processor is further adapted to adjust*

ambient conditions in the viewing space based upon the profile for each personal identifier and the profile for the patient content, Atick recites that the system tracks when unauthorized persons are in the field of view (see at least column 8, lines 8-22) and also uses a screen saver program to detect authorized individuals in the field of view before disabling the keyboard and screen (see at least column 9, lines 4-9). Atick does not specifically disclose that the system can adjust ambient conditions, such as lighting conditions, to control the viewing of data, but the Examiner takes **Official Notice** that it is old and well known to adjust ambient conditions, such as lighting conditions, so that unauthorized individuals cannot see information on a display. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick/Ho with the ability to adjust ambient conditions in a presentation space because this would make the system to be even more secure and detract from unauthorized access to patient content which would allow the system to be more compliant with federal HIPAA standards.

62. Claim 43:

The combination of Atick/Ho discloses the limitations as shown in the rejections above. Furthermore, Ho discloses the limitation of *the controller is further adapted to control other display devices capable of presenting patient related content* (see at least column 2, lines 21-56, i.e. secure system is a network of computers where typical users are doctors)*, and said controller causes such display devices to present content that is based upon the obtained patient content* (see at least column 6, line 54 – column 7, line 5, i.e. medical records are disclosed to authorized user through source terminal). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access control techniques of Atick with the secure database of confidential medical records of Ho because it provides, "…a system which is capable of storing confidential data in a form that is inaccessible to high-level computer administrators while still granting access to sensitive data to appropriate parties…" (Ho, column 1, lines 37-41).

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **JOSEPH BURGESS** whose telephone number is **(571)270-5547.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JAMES REAGAN** can be reached at (**571)272-6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (**866)217-9197** (toll-free).

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JOSEPH BURGESS

02/03/2009

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